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SUBJECT: HADOPI 2: French Assembly Approves Internet Piracy
Sanctions Bill

Ref: Paris 559

¶1. On September 15, the French National Assembly approved the sanctions' portion of the GOF's disputed Internet piracy law by 285 votes in favor and 225 against (including some members of the UMP majority party. Nicknamed "Hadopi 2," this draft bill complements the law "Creation and the Internet" passed in June (Hadopi 1)(Reftel). Hadopi 2 provides for two written warnings and then suspension of internet access by a judge. A joint parliamentary committee will hold a final vote on the bill on September 22.

¶2. The Socialist Party has already announced that it will challenge Hadopi 2 in front of the Constitutional Council, notably because they believe the bill's ordonnance pnale deprives potential offenders of the ability to defend themselves properly. Record companies, film producers and artists have supported the government's bid to crack down on Internet piracy. Recording industry organization SNEP estimates that it has destroyed 50 percent of the value of the French recorded music market in six years. Other French organizations representing major and independent labels, songwriters and publishers noted that the new legislation "should put an end to years of laissez-faire resulting in a sharp erosion of their income." The original Hadopi 1 bill includes an elaborate system of sanctions devised to that effect and ranges from a 1,500-euro fine and a month-long suspension for allowing a third party to pirate music or films using their web connection, to 300,000 euros in fines and three years imprisonment for counterfeiters.

¶3. French Culture Minister Frederic Mitterrand, who pushed for this bill last summer, stressed that artists would "remember that we had the political courage to finally break the laissez-faire attitude, and to protect their rights from those who want to turn the Internet into a ground for their libertarian utopia." Last week, Mitterrand announced he would submit a bill (Hadopi 3) to improve online legal offerings by the end of the year. "By then, Hadopi 1 and 2 will be operational," he said. Mitterrand appointed Patrick Zelnik, CEO of French independent label Naove, which produces Carla Bruni's music, to develop the Hadopi 3 proposals. In the meantime, "Parti Pirate," the first French affiliate of Piracy Pirate International, will present a candidate in the September 20 interim election for a vacant seat in the National Assembly.

RIVKIN